

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:

Chapter 13
Case Number 07-33093-DDO

Joseph Heille
Lisa Heille

Debtor(s)

ORDER VACATING 4/28/08 ORDER AND ENTERING STIPULATED ORDER

The Order entered April 28, 2008 as docket no. 28 is hereby vacated and the new Stipulated Order entered.

Based upon all the files and proceedings herein,

IT IS HEREBY ORDERED,

1. Debtors will pay U.S. Bank, N.A. the amount of \$1,297.69 on or before June 4, 2008 which represents a portion of the post-petition arrearages and attorneys fees and costs in the total amount of \$5,188.45. Said total amount consists of post-petition payments for the months of January 1, 2008 through May 1, 2008 in the amount of \$721.07 each; late charges of \$26.62 per month for January, 2008 through May, 2008; property inspections in the amount of \$100.00 and, attorney's fees and costs in the amount of \$1,350.00.
2. Debtors will pay the June 1, 2008 mortgage payment of \$721.07 each, until further noticed, and all subsequent payments when due, and will pay an extra installment amount of \$648.47 per month from June 15, 2008 through November 15, 2008 and will continue to pay each consecutive month thereafter until paid in full.
3. In the event that this Chapter 13 case converts to a Chapter 7 case, this would constitute a breach of agreement per se, and upon filing an affidavit that the loan is not paid current contractually, movant is entitled to an Order for Relief without further notice.
4. All payments to be applied towards arrearages must be in the form of cash or certified funds made payable to:

U.S. Bank Home Mortgage
4801 Frederica St.
Owensboro, KY 42301

If said arrearages are not cured by said date, or in the event Debtors again become delinquent in respect of any payments due under the terms of the note and mortgage, or in debtor's plan, and such default remains uncured following ten days' written notice from the date sent by first class mail to the debtor(s) and counsel for debtor(s), and upon U.S. Bank, N.A.'s filing of an affidavit establishing debtor's default and failure to cure, the court may enter an order terminating the stay with respect to U.S. Bank, N.A. to permit U.S. Bank, N.A., and its successors and/or assigns to foreclose that mortgage dated July 17, 2003, between Lisa M. Heille, fka Lisa M. Olson and Joseph T. Heille, wife and husband, mortgagor(s) and First Mortgage Financial Corp., mortgagee, in the original principal amount of \$90,000.00, which was filed in the office of the Recorder, on August 28, 2003, as Document Number 2102196, regarding certain land located in Dakota, Minnesota, described as follows:

Lot 28, Block 2, Wharton & Miller's Addition,

there existing cause to terminate the stay, including lack of adequate protection. Debtor(s) are not allowed more than (2) defaults as to the terms of the stipulated order, and upon a third default, U.S. Bank, N.A. may file an affidavit, without serving a ten day default letter, establishing debtor(s) default and that it is the third such default, and the court may enter an order terminating the stay accordingly.

Notwithstanding Fed.R.Bankr.P.4001 (a)(3), this order is effective immediately

Dated: June 4, 2008

BY THE COURT:

/s/ Dennis D. O'Brien

Judge of Bankruptcy Court

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on 06/04/2008 Lori Vosejka, Clerk, By DLR, Deputy Clerk
